



Honorable Mike K. Nakagawa  
United States Bankruptcy Judge



Entered on Docket  
September 18, 2023

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

\* \* \* \* \*

In re:

CASH CLOUD, INC.,  
dba COIN CLOUD,

Debtor.

Case No.: 23-10423-mkn  
Chapter 11

**PRETRIAL (Zoom Telephonic)**  
**Date: October 4, 2023**  
**Time: 9:30 a.m.**

**TRIAL (In-Person)**  
**Date: October 16 and 17, 2023**  
**Time: 9:30 a.m.**

**(AMENDED) ORDER REGARDING PRETRIAL AND TRIAL MATTERS**

On August 29, 2023, hearings were held on the Motion for Entry of an Order Authorizing Debtor to Surcharge the Collateral of Genesis Global Holdco, LLC, Enigma Securities Limited, and AVT Nevada, L.P. (“Surcharge Motion”) (ECF No. 926), brought by the above-captioned debtor (“Debtor”) as well as Enigma Securities Limited’s Application for Allowance and Payment of Administrative Expense Claim Pursuant to 11 U.S.C. §§ 361, 362, 363, 364, 503, 507, and Bankruptcy Rules 3012 and 8002 (“Admin Expense Application”) (ECF No. 873), brought by Enigma Securities Limited (“Enigma”) in the above-captioned proceeding.

Appearances were made by Brett A. Axelrod, Esq. on behalf of Debtor; Robert J. Gayda, Esq. and Ryan J. Works, Esq. on behalf of the Official Committee of Unsecured Creditors; Dawn M. Cica, Esq. on behalf of interested party Chris McAlary; and James Patrick Shea, Esq. as well as Andrew Kissner, Esq. on behalf of Enigma.

1 On September 14, 2023, the court entered a Scheduling Order regarding pretrial and trial  
2 matters in the above-referenced proceeding. (ECF No. 1220).

3 Good cause appearing,

4 **IT IS HEREBY ORDERED** that a **PRE-TRIAL CONFERENCE** will be held  
5 telephonically on **October 4, 2023, at 9:30 a.m.**, before Judge Mike K. Nakagawa. Absent  
6 further order of the court, the parties must participate and appear telephonically in the pre-trial  
7 conference by dialing (669) 254-5252; Meeting ID: 161-062-2560; Passcode: 029066.

8 Instructions are at:

9 [www.nvb.uscourts.gov/news-rss/announcements/2020/0319-court-hearing-participation/](http://www.nvb.uscourts.gov/news-rss/announcements/2020/0319-court-hearing-participation/).

10 **IT IS FURTHER ORDERED** that unless otherwise ordered, use of Alternate Direct  
11 Testimony under Local Rule 9017 will be followed in this case. The Local Rules can be  
12 reviewed on this court's website at [www.nvb.uscourts.gov/rules-forms/rules/local-rules/9017/](http://www.nvb.uscourts.gov/rules-forms/rules/local-rules/9017/).  
13 Plaintiff's Alternate Direct Testimony declarations and exhibits must be submitted to opposing  
14 counsel no later than **September 26, 2023**. Defendant's Alternate Direct Testimony declarations  
15 and exhibits must be submitted to opposing counsel no later than **October 5, 2023**. No later than  
16 **October 10, 2023**, both parties shall comply with Local Rule 9017(d)(3) for the submission of  
17 documents to the courtroom deputy. Any additional legal memoranda submitted by the parties  
18 must be served and filed no later than **October 10, 2023**. All other applicable provisions of  
19 Local Rule 9017(c), (d), and (e) shall apply.

20 **TRIAL STATEMENTS:** Each party shall file a trial statement (or counsel may meet  
21 and file a joint trial statement). Trial statements shall contain the information as shown on, and  
22 in the form of, Part "A" attached hereto. Trial statements shall be filed on or before **October 10,**  
23 **2023.**

24 Any objections made pursuant to Fed. R. Bank P. 7026(a)(3) shall be made no later  
25 than seven days after the opposing party files its Trial Statement.

26 **PRETRIAL MOTIONS:** Motions in Limine must be filed seven days prior to the  
27 pretrial conference scheduled in this case. Responses are due the day before the pretrial  
28 conference.

1           **EXHIBITS/WITNESS LISTS:** Each party shall contact and make arrangements  
2 with Cathy Shim, Courtroom Deputy, no later than October 10, 2023 for the purpose of  
3 coordinating trial exhibits. To that end, before such meeting, each party shall have lodged the  
4 following:

5           (1) Five (5) business days prior to the trial or evidentiary hearing on a contested matter  
6 each party must lodge with the courtroom deputy clerk for the assigned judge (i): two (2) copies  
7 of all declarations or affidavits and exhibits that the party intends to present at the trial or  
8 hearing, which must be sequentially numbered with a bates or other numbering system, bound,  
9 tabbed and accompanied by a properly completed "Exhibit Log," that conforms to the local form  
10 found on the court's website; and (ii) one (1) copy of that party's written objections to the  
11 admission of any of the declarations or exhibits of an opposing party Log forms may be  
12 obtained from the court's website.

13           All exhibits to which there is no objection shall be admitted by stipulation. Counsel  
14 may stipulate to an exhibit on one ground (e.g., foundation) while preserving an objection on  
15 another ground (e.g., relevance).

16           (1) List of witnesses with correct spelling of the witnesses' full name.

17           The **TRIAL** in this matter is scheduled for **October 16 and 17, 2023, at 9:30 a.m.,**  
18 IN-PERSON, in the Foley Federal Building, 300 Las Vegas Blvd. South, Las Vegas, Nevada, in  
19 Courtroom #2, before Judge Mike K. Nakagawa.

20           **IT IS SO ORDERED.**

21  
22 Copies sent via CM/ECF ELECTRONIC FILING

23 Copies sent via BNC to:

24 Jordi Gusó, Esq.

25 Berger Singerman LLP  
1450 Brickell Avenue, Suite 1900  
Miami, FL 33131

26 Jeffrey R. Sylvester, Esq.  
27 Sylvester & Polednak, Ltd.  
1731 Village Center Circle  
28 Las Vegas, NV 89134

1 Sean A. O'Neal, Esq.  
2 Jane VanLare, Esq.  
3 Cleary Gottlieb Steen & Hamilton LLP  
4 One Liberty Plaza  
New York, NY 10006

5 Gary S. Lee, Esq.  
6 Andrew Kissner, Esq.  
7 Morrison & Foerster LLP  
250 West 55<sup>th</sup> Street  
New York, NY 10019

8 James P. Shea, Esq.  
9 Shea Larsen  
1731 Village Center Circle, Suite 150  
10 Las Vegas, NV 89134

11 Kyle M. Wyant, Esq.  
12 SHEA LARSEN  
1731 Village Ctr. Cr., Ste. 150  
13 Las Vegas, NV 89134

14 Robert J. Gayda, Esq.  
15 SEWARD & KISSEL  
One Battery Park Plaza  
16 New York, NY 10004

17 Ryan J Works, Esq.  
18 McDonald Carano LLP  
2300 West Sahara Avenue, Suite 1200  
19 Las Vegas, NV 89102

20 Andrew Kissner, Esq.  
MORRISON & FOERSTER LLP  
250 West 55th Street  
21 New York, NY 10019-3601

22 Paul R. Hage, Esq.  
23 TAFT STETTINIUS AND HOLLISTER LLP  
27777 Franklin Road, Suite 2500  
24 Southfield, MI 48034

25 Christopher D. Johnson, Esq.  
26 DIAMOND MCCARTHY LLP  
909 Fannin Street, Suite 3700  
27 Houston, TX 77010

1 Richard Kruger, Esq.  
2 TAFT STETTINIUS & HOLLISTER LLP  
27777 Franklin Road, Suite 2500  
Southfield, MI 48034

3 Catherine V. Lotempio, Esq.  
4 SEWARD & KISSEL  
5 One Battery Park Plaza  
New York, NY 10004

6 Andrew J. Matott, Esq.  
7 SEWARD & KISSEL  
8 One Battery Park Plaza  
New York, NY 10004

9 Laura Miller, Esq.  
10 SEWARD & KISSEL  
11 One Battery Park Plaza  
New York, NY 10004

12 Jane Vanlare, Esq.  
13 CLEARY GOTTLIEB STEEN & HAMILTON LLP  
14 One Liberty Plaza  
New York, NY 10006

15 Michael Weinberg, Esq.  
16 CLEARY GOTTLIEB STEEN & HAMILTON LLP  
17 One Liberty Plaza  
New York, NY 10006

18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

## **PART “A”**

### **(Trial Statements)**

The trial statement(s) shall contain the following items:

1. The disclosures required by Fed. R. Civ. P. 26(a)(3), as adopted by Fed. R. Bank. P. 7026  
1 LR 7026.
2. A concise statement of the nature of the action and contentions of the parties.
3. A statement as to the core or non-core jurisdiction of the Court, with legal citations.
4. Stipulated facts.
5. Contested issues of law with concise memorandum of authority.
6. Log of exhibits which may be offered in evidence, including any exhibits for impeachment or to refresh the memory of a witness (log attached).
7. Any special trial issue which requires the Court's attention.
8. The list of witnesses, with their addresses, expected to be called.

**\*\*Shaded Area for Court Personnel Use ONLY**

2 Hearing Date: **NMC HLB ABL MKN GWZ GS**

7/25/23

# # #